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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/787,781	05/24/2001	Jacques Benveniste	9320.123USWO	7504
23552 MERCHANT &	7590 02/21/200 & GOULD PC	EXAMINER		
P.O. BOX 2903			ALEXANDER, LYLE	
MINNEAPOLIS, MN 55402-0903			ART UNIT	PAPER NUMBER
			1797	
			MAIL DATE	DELIVERY MODE
			02/21/2008	PAPER

## Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)				
	09/787,781	BENVENISTE ET A	AL.			
Office Action Summary	Examiner	Art Unit				
	Lyle A. Alexander	1797				
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence add	lress			
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period w  - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 16(a). In no event, however, may a reply be tim ill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONEI	J. nely filed the mailing date of this cor D (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on						
	· · · · · · · · · · · · · · · · · · ·					
3) Since this application is in condition for allowan						
closed in accordance with the practice under E	x parte Quayle, 1935 C.D. 11, 45	i3 O.G. 213.				
Disposition of Claims						
4)⊠ Claim(s) <u>1,6,8-14,23-31,36-38,43 and 44</u> is/are	pending in the application.					
4a) Of the above claim(s) is/are withdraw	•					
5) Claim(s) is/are allowed.						
6) Claim(s) is/are rejected.						
7) Claim(s) is/are objected to.						
8) Claim(s) <u>1,6, 8-14,23-31,36-38 and 43-44</u> are s	subject to restriction and/or election	on requirement.				
Application Papers	•					
· · · <u> </u>						
9) The specification is objected to by the Examiner		Evaminor				
10) The drawing(s) filed on is/are: a) acce						
Applicant may not request that any objection to the o			D 4 404/4)			
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
TT) The datifor declaration is objected to by the Ex-	anniner. Note the attached Office	ACTION OF IONIT PTC	J-152.			
Priority under 35 U.S.C. § 119						
<ul> <li>12) Acknowledgment is made of a claim for foreign</li> <li>a) All b) Some * c) None of:</li> <li>1. Certified copies of the priority documents</li> <li>2. Certified copies of the priority documents</li> <li>3. Copies of the certified copies of the priori application from the International Bureau</li> <li>* See the attached detailed Office action for a list of</li> </ul>	s have been received. s have been received in Application ity documents have been received (PCT Rule 17.2(a)).	on No ed in this National S	Stage			
Attachment(s)	, <b>.</b>	(PTO 445)				
Notice of References Cited (PTO-892)     Notice of Draftsperson's Patent Drawing Review (PTO-948)	4) ∐ Interview Summary Paper No(s)/Mail Da					
3) Information Disclosure Statement(s) (PTO/SB/08)	5) Notice of Informal P					
Paper No(s)/Mail Date	6)					

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## **DETAILED ACTION**

## Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1 and 34-44, drawn to a method of producing a substance having a changed coagulating or anticoagulation activity.

Group II, claim(s) 6,8-14,23-38 drawn to a method of determining a HF signal perturbation of a biological system and quantifying the signal into an electric current.

The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The invention of group I subjects a sample to a HF field produced by an electromagnetic coil whereas the invention of group II measures and quantifies the perturbations a HF field in the presence of a biological sample.

A telephone call was made to Mr. Sebald on 2/13/08 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does

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not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lyle A. Alexander whose telephone number is 571-272-1254. The examiner can normally be reached on Monday, Tuesday and Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on 571-272-1267. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lyle A Alexander/ Primary Examiner, Art Unit 1797 Lyle A Alexander Primary Examiner Art Unit 1743